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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/795,832	03/09/2004	Chin-Ching Hsien	JSP4015-GFP-922452	1235
46691	7590	08/30/2006	EXAMINER	
CHIN-CHING HSIEN 235 CHUNG-HO BOX 8-24 TAIPEI HSIEN, TAIWAN			PRONE, JASON D	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/795,832

Applicant(s)

HSIEN, CHIN-CHING

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Appendix A.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: On line 2, the phrase "a plurality of screwing units" is assumed to be the same structure as the limitation "two screws" on line 18. The addition of the final paragraph creates an antecedent basis issue between "screwing units" and "two screws". It is recommended that the phrase featuring "screwing units" be deleted to overcome this issue. On lines 8-9, the phrase "a rear end of each first knife portion being installed with a second knife portion" is not accurate. The term "installed" is not correctly used and should be replaced with "extended". Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrell (3,883,951) in view of Kuribayashi (5,517,762). See Appendix A on page 6 of this Office action for examiner added numerals. Farrell discloses the invention including, in regards to claim 1, clippers with a cutting portion (13) and a handle portion (23), the cutting portion having two pivotal portions (25 and 26), a front end of each pivotal portion being installed with two first flat knife portions symmetrically arranged (11 and 12), a rear end of each first knife portion being installed with a second semi-round

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knife portion symmetrically arranged (16a and 17a), a rear end of each second knife portion being extended with a third cambered knife portion (16 and 17), a rear end of each third knife portion being extended with a leg (18), the handle portion is formed by two handles (23), and two lateral sides of each leg are approximately parallel (Fig. 2, top and bottom side of 18).

In regards to claims 2-4, the apparatus disclosed by Farrell is perfectly capable of performing the intended uses of: the first knife portion serves for cutting steel strips, the second knife portion serves for cutting cables, and the third knife portion serves for cutting steel ropes. It is clear that the apparatus of the instant application could be used to cut other objects (i.e. tree branches), therefore, the subject matter in claims 2-4 are intended uses of the disclosed invention that are capable of being performed by Farrell.

However, Farrell fails to disclose each handle has an approximate U shape recess for receiving a respective one of the legs of the cutting portion, two lateral sides of each handle are approximately parallel, and each handle is locked to the respective leg by using two screws to pass through the handle and the leg from the lateral sides of the handle and the leg.

Kuribayashi teaches it is old and well known in the art of pivotal shears to incorporate each handle (1a) with an approximate U shape recess (4) for receiving a respective one of the legs of the cutting portion (Figs. 1 and 2), two lateral sides of each handle are approximately parallel (side portions of 4), and each handle is locked to the respective leg by using two screws to pass through the handle and the leg from the lateral sides of the handle and the leg (7 and 8). Therefore, it would have been obvious

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to one of ordinary skill in the art, at the time of the invention, to have provided Farrell with the handle/cutter connection, as taught by Kuribayashi, so when the apparatus is in use and the user applies a rotational force to the handle, the handle will not unscrew from the cutter.

Response to Arguments

4. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cronk, Hidde, Duprey, Sakuma et al., Chai et al., Deville, and Hsieh.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:00-4:30, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 22, 2006


Patent Examiner
Jason Prone
Art Unit 3724
T.C. 3700

Appendix A

